

Decision 06-04-021 April 13, 2006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Into
Implementation of Federal Communications
Commission Report and Order 04-86, As It
Affects the Universal Lifeline Telephone Service
Program.

Rulemaking 04-12-001
(Filed December 6, 2004)

**OPINION GRANTING INTERVENOR COMPENSATION
TO DISABILITY RIGHTS ADVOCATES, LATINO ISSUES FORUM,
THE GREENLINING INSTITUTE, NATIONAL CONSUMER LAW CENTER
AND THE UTILITY REFORM NETWORK FOR SUBSTANTIAL
CONTRIBUTIONS TO DECISIONS 05-04-026 AND 05-12-013**

The subject Order Instituting Rulemaking (OIR) involved two phases, each resulting in a Commission decision. Today's decision awards intervenor compensation to The Greenlining Institute (Greenlining) and Latino Issues Forum (LIF) for their substantial contributions to Decision (D.) 05-04-026, in the first phase; and compensation to Disability Rights Advocates (DRA), National Consumer Law Center, Inc. (NCLC), and The Utility Reform Network (TURN) for their substantial contributions to both phases, D.05-04-026 and D.05-12-013.

We carefully reviewed each request for compensation, and disallowed or adjusted certain elements. The amounts requested and awarded are detailed below.

<u>Intervenor</u>	<u>Request</u>	<u>Award</u>
Greenlining	\$31,968.48	\$30,977.23
LIF	\$36,719.08	\$32,526.58
DRA	\$66,848.51	\$58,508.51
NCLC	\$44,088.54	\$39,324.12
TURN	\$75,886.37	\$75,886.37

These awards will be paid from the Commission's intervenor compensation program fund.

1. Background

California's Universal Lifeline Telephone Service ("ULTS") program receives more than half of its funding from the Federal Communications Commission (FCC) Lifeline/Linkup programs. In 2004, the FCC adopted an order requiring state low-income assistance programs receiving federal money to implement a series of changes to program management. The Commission issued the OIR in order to "take the steps necessary" to preserve the federal funding and conform the ULTS program to the federal rules. The Commission also requested comments on new program design regarding mitigation of the possible negative effects on current and future program participants from the stricter and more detailed rules.

During the first half of 2005, the parties filed opening and reply comments on the OIR, and comments on the Administrative Law Judge's (ALJ) Proposed Decision. Using that record, the Commission adopted D.05-04-026 (the April Decision), largely based on the ALJ's Proposed Decision. D.05-04-026 made several changes to the ULTS program. Most significantly, it created a third party entity that would manage ULTS subscriptions and renewals for all the telecommunications carriers in the state. The April Decision also created

two eligibility programs with specific requirements necessary for subscribers to receive the ULTS discount.

The April Decision acknowledged that to move forward and implement the changes, more information was needed from Commission staff (Staff), the carriers, and consumer organizations. As directed, Staff held two workshops to provide feedback and information on a number of issues including privacy, disability access issues, the creation of a web-based system and changes to General Order 153 in light of the Commission's conclusions. The five named intervenors participated in the workshops to varying degrees.

After the second workshop, Staff issued a draft Workshop Report. After receiving comments from parties on the draft report, Staff issued a final Workshop Report. Parties filed further comments on the final report which were then incorporated in D.05-12-013 (the December Decision). Among other things, the December Decision adopted a final version of the changes to General Order 153, decided outstanding issues relating to carrier bad debt costs, set a deadline for implementation of a web-based ULTS subscription capability and clarified or confirmed issues originally decided in D.05-04-026.

Greenlining and LIF filed intervenor compensation requests limited to the period leading up to the issuance of the April Decision. DRA, NCLC and TURN filed requests for compensation for their contributions to both the April and December Decisions. The rulemaking is closed.

2. Requirements for Awards of Compensation

The intervenor compensation program set out in Pub. Util. Code §§ 1801-1812 requires California jurisdictional utilities to pay the reasonable costs of an intervenor's participation if the intervenor makes a substantial contribution to the Commission's proceedings. The statute provides that the utility may

adjust its rates to collect the amount awarded from its ratepayers. (Footnoted statutory references are to the Public Utilities Code unless otherwise indicated.)

All of the following procedures and criteria must be satisfied for an intervenor to obtain a compensation award:

1. The intervenor must satisfy certain procedural requirements including the filing of a sufficient notice of intent (NOI) to claim compensation within 30 days of the prehearing conference (or in special circumstances, at other appropriate times that we specify).¹
2. The intervenor must be a customer or a participant representing consumers, customers, or subscribers of a utility subject to our jurisdiction.
3. The intervenor must file and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding.
4. The intervenor must demonstrate “significant financial hardship.”²
5. The intervenor’s presentation must have made a “substantial contribution” to the proceeding, through the adoption, in whole or in part, of the intervenor’s contention or recommendations by a Commission order or decision.³

¹ § 1804(a).

² §§ 1802(g) and 1804(b)(1).

³ §§ 1802(i) and 1803(a).

6. The claimed fees and costs must be reasonable,⁴ necessary for and related to the substantial contribution,⁵ comparable to the market rates paid to others with comparable training and experience⁶ and productive.⁷

For purposes of this decision, the procedural issues in Items 1-4 above are discussed together and followed by separate discussions of Items 5 and 6.

3. Procedural Issues: Notice of Intent, Customer Status, Financial Hardship, Timeliness of Filings

No prehearing conference was held in this matter. On January 11, 2005, assigned ALJ Jones ruled the due date for NOIs was February 14, 2005. All of the named intervenors timely filed NOIs by that date.⁸

Section 1802(b)(1) defines a customer as a:

- (A) participant representing consumers, customers or subscribers of a utility; or
- (B) representative who has been authorized by a customer; or
- (C) representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential or small business customers.

⁴ § 1801.

⁵ D.98-04-059.

⁶ § 1806.

⁷ D.98-04-059

⁸ Notices of Intent were filed by DRA (February 11, 2005), Greenlining (February 14, 2005), LIF (January 4, 2005), NCLC (February 10, 2005) and TURN (February 11, 2005).

All of the named intervenors hold themselves out to be customers as defined in sub-paragraph (C) above, and all assert financial hardship.

On March 8, 2005, ALJ Jones ruled that all intervenors are customers, as described above, and that all except LIF meet the financial hardship condition. LIF made a showing of financial hardship in its request for compensation. Based on a review of this showing, we find that LIF meets the significant financial hardship condition, pursuant to § 1802(g).

Greenlining and LIF filed their requests for compensation on June 6, 2005, within 60 days of D.05-04-026 being issued. DRA filed its request for compensation on January 30, 2006, and TURN and NCLC filed on January 31, 2006; all are within 60 days of D.05-12-013 being issued. The named intervenors all timely filed their requests for compensation.

In view of the above, we find that the named intervenors have satisfied all of the procedural requirements necessary to make their requests for compensation.

4. Substantial Contribution

In evaluating whether a customer made a substantial contribution to a proceeding we look at several things. First, did the ALJ or Commission adopt one or more of the factual or legal contentions, or specific policy or procedural recommendations put forward by the customer? (See §1802(i).) Second, if the customer's contentions or recommendations paralleled those of another party, did the customer's participation materially supplement, complement, or contribute to the presentation of the other party or to the development of a fuller record that assisted the Commission in making its decision? (See §§1802(i) and 1802.5)

The assessment of whether the customer made a substantial contribution requires the exercise of judgment:

In assessing whether the customer meets this standard, the Commission typically reviews the record, composed in part of pleadings of the customer and, in litigated matters, the hearing transcripts, and compares it to the findings, conclusions, and orders in the decision to which the customer asserts it contributed. It is then a matter of judgment as to whether the customer's presentation substantially assisted the Commission.⁹

Should the Commission not adopt any of the customer's recommendations, compensation may still be awarded if, in the judgment of the Commission, the customer's participation substantially contributed to the decision or order. For example, if a customer provided a unique perspective that enriched the Commission's deliberations and the record, the Commission could find that the customer made a substantial contribution. With this guidance in mind, we turn to the claimed contributions.

DRA, NCLC and TURN allege that their involvement in both phases of this rulemaking was extensive, including active participation in workshops and detailed comments on workshop reports and the ALJ's proposed decisions. (These three intervenors are hereafter sometimes referred to as Joint Consumers Group 1 or JCG1). Although JCG1 were not successful on every argument they presented, the final decisions adopt their positions on the majority of issues considered. Because of the close coordination among them, the majority of DRA's, NCLC's and TURN's positions were included in jointly filed comments. We find the members of JCG1 took reasonable steps to ensure efficiency, and we

⁹ D.98-04-059, 79 CPUC2d, 628 at 653.

are also mindful that we encouraged consumer representatives to coordinate their efforts in this proceeding.

Greenlining and LIF (hereafter sometimes referred to as Joint Consumers Group 2 or JCG2) make similar claims regarding their participation in the process leading up to the April Decision. They also claim (and we find) that they closely coordinated with each other and the members of JCG1.

We adopted most of the consolidated recommendations of both Joint Consumers Groups with respect to:

- engaging a third-party program administrator;
- adopting program-based eligibility criteria for ULTS subscribers;
- assuring that new ULTS customers would be eligible for the program at first sign-up;
- creating a web-based sign-up system;
- protecting the privacy of ULTS customers;
- applying uniform program eligibility rules to all carrier types;
- permitting self-certification in place of random audits of income or mandatory income documentation;
- portability of ULTS discounts;
- treatment of customers who cease to be ULTS-eligible; and
- cost recovery by service providers.

In view of our extensive adoption of recommendations made by the Joint Consumers Groups, we conclude that all made substantial contributions to the subject decisions. We discuss the specific claimed contributions of individual intervenors below.

A. Disability Rights Advocates

DRA emphasized rules that would minimize barriers to participation in the ULTS program experienced by persons with disabilities. In particular, DRA advocated strongly for program-based eligibility as compared with independent proof of income eligibility, arguing that assembling the required documentation to meet income-verification requirements would work a special hardship on disabled people. DRA also urged creating a system of accessible web-based enrollment as being of particular value. While not adopting DRA's position entirely, we retained a commitment to creating a web-accessible program throughout the proceeding. DRA was the only intervenor that stressed the unique difficulties and barriers participation in the ULTS program experienced by persons with disabilities, and argued effectively for proposals benefiting the disabled community.

B. National Consumer Law Center

NCLC made its contributions almost entirely in collaboration with one or more of the other parties, arguing on behalf of the entire population of ULTS-eligible Californians. For example, it filed a joint response with TURN to the OIR. Because it acted collaboratively and did not represent a special sub-group of consumers, NCLC relied on the submissions of the Joint Consumers Groups and our adoption of the bulk of their proposals for justification of its request for compensation. We recognize NCLC was active in both phases of the proceeding and made numerous in-person contributions to clarifying the issues in addition to its joining the recommendations of JCG1.

C. The Utility Reform Network

Like NCLC, TURN represents a broad base of consumer interests and filed most of its comments jointly with other intervenors. However, in one respect

TURN differed significantly from the other Joint Consumers Groups. TURN recognized that the Commission was faced with a choice between (1) resisting new federal eligibility guidelines for lifeline service and thereby risking the loss of over \$300 million in annual federal support, or (2) finding the least onerous way to comply with the new guidelines. TURN urged the latter course, including specific mitigation measures aimed at lessening the adverse impact of the new guidelines on ULTS-eligible consumers. In the April Decision we adopted TURN's recommendation.

D. Latino Issues Forum

Like DRA, LIF represents the interests of sub-groups of ULTS-eligible consumers, namely low income, language minority and immigrant communities. While joining in the recommendations of the Joint Consumers Groups, LIF independently advocated for specific program-based eligibility criteria that would reach people in these communities who often do business in a cash-only economy and are reluctant or unable to qualify for ULTS via an income-verification program. The April Decision adopted LIF's recommendation that participation in various low-income programs would suffice as qualification for participation in ULTS.

E. The Greenlining Institute

Like the other intervenors, Greenlining made most of its contributions as part of a joint effort. While endorsing program-based eligibility criteria as an alternative to income-verification, Greenlining also proposed that participants be permitted to self-certify, a position we adopted in the April Decision.

5. Reasonableness of Requested Compensation

DRA requests \$66,848.51 for its participation in this proceeding, as follows:

Attorney/Advocate Fees				
	Year	Hours	Rate	
Melissa Kasnitz	2005	3.6	\$325	\$ 1,170.00
Melissa Kasnitz	2005	107.6	\$425	\$45,730.00
Mazen Basrawi	2005	3.6	\$170	\$ 612.00
Mazen Basrawi	2005	62.7	\$190	\$11, 913.00
Paralegals and Law Clerks	2005	49.4	\$ 90	\$ 4,446.00
			Subtotal	\$63,871.00
Kasnitz Comp. App.	2006	4.8	\$212.50	\$ 1,020.00
Basrawi Comp. App.	2006	7.8	\$ 95.00	\$ 741.00
Paralegals Comp. App.	2006	4.6	\$ 45.00	\$ 207.00
			Subtotal	\$ 1,968.00
Other Reasonable Costs				
Photocopying				\$ 668.00
Postage & Delivery				\$ 92.73
Telephone and Fax				\$ 219.78
Travel/parking				\$ 29.00
			Subtotal	\$ 1,009.51
			TOTAL	\$66,848.51

NCLC requests \$44,088.54 for its participation in this proceeding, as follows:

Attorney/Advocate Fees				
	Year	Hours	Rate	
Olivia Wein	2005	137.85	\$265	\$36,530.25
Charles Harak	2005	1.1	\$435	\$ 478.50
Wein Comp. App.	2005	31.00	\$132.50	\$ 4,107.50
Wein Comp. App.	2006	18.25	\$132.50	\$ 2,418.12
			Subtotal	\$43,534.37
Other Reasonable Costs				
Postage & Delivery				\$ 68.31
Telephone and Fax				\$ 87.46
Travel/parking				\$ 398.40
			Subtotal	\$ 554.17
			TOTAL	\$44,088.54

TURN requests \$75, 886.37 for its participation in this proceeding, as follows:

Attorney/Advocate Fees				
	Year	Hours	Rate	
Christine Mailloux	2005	134.5	\$325	\$43,550.50
comp	2006	16	\$162.50	\$ 2,600.00
Regina Costa	2005	116	\$230	\$26,680.00
Robert Finkelstein - comp	2005	2	\$197.50	\$ 395.00
			Subtotal	\$73,225.00
Other Reasonable Costs				
Photocopying				\$ 1,715.20
Postage				\$ 367.53
FedEx				\$ 30.22
Phone				\$ 144.96
Attorney travel				\$ 403.46
			Subtotal	\$ 2,661.37
			TOTAL	\$75,886.37

LIF requests \$36,719.08 for its participation in this proceeding, as follows:

Attorney/Advocate Fees				
	Year	Hours	Rate	
Susan Brown	2004	2.5	\$390	\$ 975.00
Susan Brown	2005	59.25	\$450	\$26,662.50
Ana Montes	2005	8.50	\$150	\$ 1,275.00
Enrique Gallardo	2005	25.50	\$300	\$ 7,650.00
			Subtotal	\$36,562.50
Other Reasonable Costs				
Photocopying				\$ 12.32
Postage & Delivery				\$ 101.02
Supplies				\$ 43.24
			Subtotal	\$ 156.58
			TOTAL	\$36,719.08

The Greenlining requests \$31,968.48 for its participation in this proceeding, as follows:

Attorney/Advocate Fees				
	Year	Hours	Rate	
Robert Gnaizda	2004	3.1	\$495	\$ 1,534.50
Robert Gnaizda	2005	24.2	\$495	\$11,979.00
Itzel Berrio	2005	34.2	\$330	\$11,286.00
Berrio Comp. App.	2005	8.5	\$165	\$ 1,402.50
Noel Abastillas	2005	0.5	\$110	\$ 55.00
Noel Abastillas	2005	1.5	\$115	\$ 172.50
			Subtotal	\$26,429.50
Expert Fees				
John Gamboa	2005	5.5	\$370	\$ 2,035.00
Michael Phillips	2005	8	\$410	\$ 3,280.00
			Subtotal	\$ 5,315.00
Other Reasonable Costs				
Photocopying				\$ 145.70
Postage & Delivery				\$ 78.28
			Subtotal	\$ 223.98
			TOTAL	\$31,968.48

In general, the components of this request must constitute reasonable fees and costs of the customer's preparation for and participation in a proceeding that resulted in a substantial contribution. The issues we consider to determine reasonableness are discussed below.

A. Hours and Costs Related to and Necessary for Substantial Contribution

We first assess whether the hours claimed for the customer's efforts that resulted in substantial contributions to Commission decisions are reasonable by determining to what degree the hours and costs are related to the work performed and necessary for the substantial contribution.

Each of the intervenors documented its claimed hours by presenting a daily breakdown of the hours of its attorneys and advocates, accompanied by a brief description of each activity. In each case, the hourly breakdown reasonably supports the claim for total hours.

All of the intervenors, other than LIF, also seek reimbursement for the costs of preparing their NOIs and requests for compensation, with amounts ranging from \$1,400-\$6,500. This time was charged at one-half the normal hourly rates, pursuant to previous policy. The amount of time ranged from 8.5 to 49.25 hours. All the claims are reasonable except for that of NCLC which spent two and one-half times as many hours preparing its NOI and request as did TURN. While we recognize that TURN's familiarity with our procedures may enable it to realize efficiencies unavailable to NCLC, we find that 49.25 hours of attorney time is excessive. Accordingly we reduce the amount awarded to NCLC for this activity by one-half of the claimed amount.

B. Market Rate Standard

We next take into consideration whether the claimed fees and costs are comparable to the market rates paid to experts and advocates having comparable training and experience and offering similar services.

We previously have approved the requested hourly rates for many of the intervenors' representatives in this proceeding, and adopt those rates here. Others are requesting approval of rates for the first time, or increases in previously approved rates. In Resolution ALJ-184, we set forth principles for establishing hourly rates for work performed in 2004. In D.05-11-031, issued subsequent to LIF's and Greenlining's compensation requests, we set forth principles and guidelines for setting hourly rates for 2005.

The following table indicates the hourly rates requested for each representative, the rates adopted here, and the Commission decision on which approval is based:

Representative	Rate requested	Previously Approved?	Applicable Decision	Rate Approved
TURN				
Christine Mailloux 2005	\$325	Yes	D.04-12-054	\$325
Regina Costa 2005	\$230	Yes	D.04-12-054	\$230
Robert Finkelstein 2005	\$395	Yes	D.05-04-049	\$395
DRA				
Melissa Kasnitz 2004 ¹⁰	\$325	No	D.05-11-031	\$300
Melissa Kasnitz 2005	\$425	No	D.05-11-031	\$350
Mazen Basrawi 2004	\$170	No	D.05-11-031	\$170
Mazen Basrawi 2005	\$190	No	D.05-11-031	\$190
NCLC				
Olivia Wein 2005	\$265	No	D.05-11-031	\$255
Charles Harak 2005	\$435	Yes	D.04-12-054	\$435
GREENLINING				
Robert Gnaizda 2004	\$495	Yes	D.05-08-015	\$490
Robert Gnaizda 2005	\$520	No	D.05-11-031	\$490
Itzel Berrio 2005	\$330	Yes	D.05-08-015	\$325
John Gamboa 2005	\$370	No	D.05-11-031	\$360
Michael Phillips 2005	\$410	No	D.05-11-031	\$335
Noelle Abastillas 2005	\$110	No	D.05-11-031	\$110
Noelle Abastillas 2006	\$115	No	D.05-11-031	\$110
LIF				
Susan Brown 2004	\$390	Yes	D.05-05-009	\$390
Susan Brown 2005	\$450	No	D.05-11-031	\$390
Enrique Gallardo 2005	\$300	Yes	D.05-05-009	\$275
Ana Montes 2005	\$150	No	D.05-11-031	\$150

¹⁰ Adopted 2004 rate for Kasnitz, an attorney with no previously approved rate, is approximate mid-point of rate range established in D.05-11-031. Kasnitz' increase for 2005 based on an additional year of experience moving her to a higher level of qualification (13 and over years).

As modified in the above table, we find the requested rates reasonable.

A. Productivity

D.98-04-059 directed customers to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. The costs of a customer's participation should bear a reasonable relationship to the benefits realized through their participation. This showing assists us in determining the overall reasonableness of the request.

The best measure of the value of the intervenors' contributions is the dollar amount of federal subsidy at risk in this proceeding, approximately \$330 million. By successfully arguing in favor of program modifications that permitted the state to comply with new federal eligibility rules without unduly burdening the population of ULTS-eligible consumers, the intervenors helped avoid the loss of this subsidy. Thus, we find their participation to have been productive.

B. Direct Expenses

As shown in the previous tables, the intervenors submitted itemized direct expenses including costs for travel, photocopying, postage, telephone/fax and package delivery services. Upon review, these expenses were necessary and commensurate with the work performed. We find these costs reasonable.

6. Awards

Today's awards are set forth in the tables below. The hourly rates adopted are in accordance with Resolution ALJ-184 and D.05-11-031.

TURN				
Approved Fees	Year	Hours	Rate	Total
Christine Mailloux	2005	134	\$325	\$43,550.50
Christine Mailloux Comp. App.	2006	16	\$162.50	\$ 2,600.00
Regina Costa	2005	116	\$230	\$26,680.00
Robert Finkelstein Comp. App.	2006	2	\$197.50	\$ 395.00
			Subtotal	\$73,225.00
Approved Costs				
Photocopying				\$ 1,715.20
Postage				\$ 367.53
FedEx				\$ 30.22
Phone				\$ 144.96
Attorney travel				\$ 403.46
			Subtotal	\$ 2,661.37
			TOTAL	\$75,886.37

Disability Rights Advocates				
Approved Fees	Year	Hours	Rate	
Melissa Kasnitz	2004	3.6	\$300	\$ 1,080.00
Melissa Kasnitz	2005	107.6	\$350	\$ 37,660.00
Melissa Kasnitz Comp. App.	2006	4.8	\$175	\$ 840.00
Mazen Basrawi	2004	3.6	\$170	\$ 612.00
Mazen Basrawi	2005	62.7	\$190	\$11,913.00
Mazen Basrawi Comp. App.	2006	7.8	\$ 95.00	\$ 741.00
Paralegals and Law Clerks	2005	49.4	\$ 90	\$ 4,446.00
Paralegals Comp. App.	2006	4.6	\$ 45.00	\$ 207.00
			Subtotal	\$ 57,499.00
Approved Costs				
Photocopying				\$ 668.00
Postage & Delivery				\$ 92.73
Telephone and Fax				\$ 219.78
Travel/parking				\$ 29.00
			Subtotal	\$ 1,009.51
			TOTAL	\$ 58,508.51

NCLC				
Approved Fees	Year	Hours	Rate	
Olivia Wein	2005	137.85	\$255	\$ 35,151.75
Wein Comp. App.	2005	31.00	\$127.50	\$ 3,952.50
Wein Comp. App.	2006	18.25	\$127.50	\$ 2,326.87
Charles Harak	2005	1.1	\$435	\$ 478.50
			Subtotal	\$ 41,909.63
Approved Costs				
Postage & Delivery				\$ 68.31
Telephone and Fax				\$ 87.46
Travel/parking				\$ 398.40
			Subtotal	\$ 554.17
Excess Comp. Time				(\$ 3,139.68)
			TOTAL	\$39,324.12

Greenlining				
Approved Fees	Year	Hours	Rate	
Robert Gnaizda	2004	3.1	\$490	\$ 1,519.00
Robert Gnaizda	2005	24.2	\$490	\$11,858.00
Itzel Berrio	2005	34.2	\$325	\$11,115.00
Berrio Comp. App.	2005	8.5	\$162.50	\$ 1,381.25
Noelle Abastillas	2005	0.5	\$110	\$ 55.00
Noelle Abastillas	2006	1.5	\$110	\$ 165.00
			Subtotal	\$26,093.25
Expert Fees				
John Gamboa	2005	5.5	\$360	\$ 1,980.00
Michael Phillips	2005	8	\$335	\$ 2,680.00
			Subtotal	\$ 4,660.00
Approved Costs				
Photocopying				\$ 145.70
Postage & Delivery				\$ 78.28
			Subtotal	\$ 223.98
			TOTAL	\$30,977.23

Latino Issues Forum				
Approved Fees	Year	Hours	Rate	
Susan Brown	2004	2.5	\$390	\$ 975.00
Susan Brown	2005	59.25	\$390	\$23,107.50
Ana Montes	2005	8.50	\$150	\$ 1,275.00
Enrique Gallardo	2005	25.50	\$275	\$ 7,012.50
			Subtotal	\$32,370.00
Approved Costs				
Photocopying				\$ 12.32
Postage & Delivery				\$ 101.02
Supplies				\$ 43.24
			Subtotal	\$ 156.58
			TOTAL	\$32,526.58

Consistent with previous Commission decisions, we order that interest be paid on the award amounts (at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15) commencing the 75th day after the intervenor filed its compensation request and continuing until full payment of the award is made.

This rulemaking proceeding affected all California telephone utilities providing lifeline service. As such, we find it appropriate to authorize payment of the compensation award from the intervenor compensation program fund as described in D.00-01-020.

We remind all intervenors that Commission staff may audit their records related to this award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenors' records should identify specific issues for which they requested compensation, the actual time spent by each employee or consultant, the applicable hourly rate, fees paid to consultants, and any other costs for which compensation was claimed.

7. Waiver of Comment Period

This is an intervenor compensation matter. Accordingly, as provided by Rule 77.7(f)(6) of our Rules of Practice and Procedure, we waive the otherwise applicable 30-day comment period for this decision.

8. Assignment of Proceeding

Dian M. Grueneich is the Assigned Commissioner and Karen Jones is the assigned ALJ in this proceeding.

Findings of Fact

1. TURN, DRA, NCLC, LIF and Greenlining have satisfied all the procedural requirements necessary to claim compensation in this proceeding.
2. TURN, DRA, NCLC, LIF and Greenlining each made substantial contributions to D.05-04-026 and D.05-12-013 as described herein.
3. TURN, DRA, NCLC, LIF and Greenlining requested hourly rates and related expenses for attorneys and experts that are reasonable when compared to the market rates for persons with similar training and experience.
4. The total amount of the reasonable compensation to each intervenor is
 - TURN -- \$75,886.37
 - DRA -- \$58,508.51
 - NCLC -- \$39,324.12
 - LIF -- \$32,526.58
 - Greenlining -- \$30,977.23
5. It is appropriate to pay these awards from the Commission's intervenor compensation program fund described in D.00-01-020.
6. The appendix to this opinion summarizes today's award.

Conclusions of Law

1. TURN, DRA, NCLC, LIF and Greenlining have fulfilled the requirements of Pub. Util. Code §§ 1801-1812, which govern awards of intervenor compensation, and are entitled to intervenor compensation for their substantial contributions to D.05-04-026 or D.05-12-013.

2. TURN should be awarded \$75,886.37 for its contribution to D.05-04-026 and D.05-12-013.

3. DRA should be awarded \$58,508.51 for its substantial contribution to D.05-04-026 and D.05-12-013.

4. NCLC should be awarded \$39,324.12 for its substantial contribution to D.05-04-026 and D.05-12-013.

5. LIF should be awarded \$32,526.58 for its substantial contribution to D.05-04-026.

6. Greenlining should be awarded \$30,977.23 for its substantial contribution to D.05-04-026.

7. Today's awards should be paid from the Commission's intervenor compensation program fund described in D.00-01-020.

8. Per Rule 77.7(f)(6), the comment period for this compensation decision may be waived.

9. This order should be effective today so that the intervenors may be compensated without further delay.

10. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. The Utility Reform Network is awarded \$75,886.37 as compensation for its substantial contributions to Decision (D.) 05-04-026 and D.05-12-013.

2. Disability Rights Advocates is awarded \$58,508.51 for its substantial contributions to D.05-04-026 and D.05-12-013.

3. National Consumer Law Center, Inc. is awarded \$39,324.12 for its substantial contribution to D.05-04-026 and D.05-12-013.

4. Latino Issues Forum is awarded \$32,526.58 for its substantial contribution to D.05-04-026.

5. The Greenlining Institute is awarded \$30,977.23 for its substantial contribution to D.05-04-026.

6. Within 30 days of the effective date of this decision, the above-enumerated awards shall be paid from the intervenor compensation program fund, as described in D.00-01-020. Payment of the awards shall include interest at the rate earned on prime, three-month commercial paper as reported in Federal Reserve Statistical Release H.15, beginning the 75th day after the filing date of an intervenor's request for compensation, and continuing until full payment is made.

7. The comment period for today's decision is waived.

8. Rulemaking 04-12-001 is closed.

This order is effective today.

Dated April 13, 2006, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
Commissioners

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:	D0604021	Modifies Decision? N
Contribution Decision(s):	D0504026 and D0512013	
Proceeding(s):	R0412001	
Author:	ALJ Jones	
Payer(s):	Commission	

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
TURN	1/31/2006	\$75, 886.37	\$75,886.37	N	
DRA	1/30/2006	\$66,848.51	\$58,508.51	N	Excess hourly rate
NCLC	1/30/2006	\$44,088.54	\$39,324.12	N	Excess comp. time Excess hourly rate
LIF	6/6/2005	\$36,719.08	\$32,526.58	N	Excess hourly rate
GREENLINING	6/6/2005	\$31,968.48	\$30,957.23	N	Excess hourly rate

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Regina	Costa	Policy Analyst	The Utility Reform Network	\$230	2005	\$230
Christine	Mailloux	Attorney	The Utility Reform Network	\$325	2005	\$325
Robert	Finkelstein	Attorney	The Utility Reform Network	\$395	2005	\$395
Melissa	Kasnitz	Attorney	Disability Rights Advocates	\$325	2004	\$300
Melissa	Kasnitz	Attorney	Disability Rights Advocates	\$425	2005	\$350
Mazen	Basrawi	Attorney	Disability Rights Advocates	\$170	2004	\$170

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Mazen	Basrawi	Attorney	Disability Rights Advocates	\$190	2005	\$190
Olivia	Wein	Attorney	National Consumer Law Center, Inc.	\$265	2005	\$255
Charles	Harak	Attorney	National Consumer Law Center, Inc.	\$435	2005	\$435
Robert	Gnaizda	Attorney	The Greenlining Institute	\$495	2004	\$490
Robert	Gnaizda	Attorney	The Greenlining Institute	\$520	2005	\$490
Itzel	Berrio	Attorney	The Greenlining Institute	\$330	2005	\$325
John	Gamboa	Policy Analyst	The Greenlining Institute	\$370	2005	\$360
Michael	Phillips	Policy Analyst	The Greenlining Institute	\$410	2005	\$335
Noelle	Abastillas	Paralegal	The Greenlining Institute	\$110	2005	\$110
Noelle	Abastillas	Paralegal	The Greenlining Institute	\$115	2006	\$110
Susan	Brown	Attorney	Latino Issues Forum	\$390	2004	\$390
Susan	Brown	Attorney	Latino Issues Forum	\$450	2005	\$390
Enrique	Gallardo	Attorney	Latino Issues Forum	\$300	2005	\$275
Ana	Montes	Policy Analyst	Latino Issues Forum	\$150	2005	\$150

(END OF APPENDIX)